

MINUTES

REGULAR MEETING OF THE WELLINGTON VILLAGE COUNCIL

**Wellington Village Hall
12300 Forest Hill Blvd
Wellington, FL 33414**

**Tuesday, December 10, 2019
7:00 PM**

Pursuant to the foregoing notice, a Regular Meeting of the Wellington Council was held on Tuesday, December 10, 2019, commencing at 7:00 PM at Wellington Village Hall, 12300 Forest Hill Boulevard, Wellington, FL 33414.

Council Members present: Anne Gerwig, Mayor; Michael J. Napoleone, Vice Mayor; John T. McGovern, Councilman; Michael Drahos, Councilman; and Tanya Siskind, Councilwoman.

Advisors to the Council: Paul Schofield, Manager; Laurie Cohen, Attorney; Jim Barnes, Assistant Manager; Tanya Quickel, Director of Administrative and Financial Services; and Chevelle D. Addie, Village Clerk.

1. **CALL TO ORDER** - Mayor Gerwig called the meeting to order at 7:00 PM.
2. **PLEDGE OF ALLEGIANCE** – Mayor Gerwig led the Pledge of Allegiance.
3. **INVOCATION** – Pastor Peter Bartuska, Christ Community Church, Wellington, delivered the Invocation.
4. **APPROVAL OF AGENDA**

Mr. Schofield indicated, with the exception of amending the term in item 6C to end on September 30, 2020, staff is recommending approval of the agenda as presented.

A motion was made by Councilwoman Siskind, seconded by Councilman McGovern, and unanimously passed (5-0), to approve the Agenda as presented.

5. PRESENTATIONS AND PROCLAMATIONS

Mr. Schofield indicated there were no Presentations and Proclamations.

6. CONSENT AGENDA

- A. **19-3459** MINUTES OF THE REGULAR WELLINGTON COUNCIL MEETINGS OF SEPTEMBER 24, 2019; OCTOBER 7, 2019; AND OCTOBER 22, 2019
- B. **19-2929** AUTHORIZATION TO AWARD A CONTRACT TO MULTIPLE VENDORS FOR THE PURCHASE AND DELIVERY OF PUBLIC WORKS CHEMICALS

- C. 19-3279 AUTHORIZATION TO RENEW AN EXISTING AGREEMENT FOR LOBBYING SERVICES**

- D. 19-3318 AUTHORIZATION TO UTILIZE A PALM BEACH COUNTY SCHOOL DISTRICT CONTRACT, AS A BASIS FOR PRICING, FOR THE PURCHASE AND INSTALLATION OF MANUAL TRANSFER SWITCHES AT VARIOUS LOCATIONS VILLAGE-WIDE**

- E. 19-3389 AUTHORIZATION TO UTILIZE MULTIPLE CONTRACTS FOR THE PURCHASE OF INFORMATION TECHNOLOGY SYSTEMS EQUIPMENT**

- F. 19-3393 AUTHORIZATION TO UTILIZE A GENERAL SERVICES ADMINISTRATION (GSA) CONTRACT, AS A BASIS FOR PRICING, FOR THE PURCHASE AND DELIVERY OF TWO DATTO BACKUP STORAGE SERVERS AND DATTO INFINITE CLOUD RETENTION SERVICES**

- G. 19-3394 AUTHORIZATION TO AWARD A TASK ORDER TO PROVIDE CONSULTING SERVICES FOR THE WATER RECLAMATION FACILITY DEVELOPMENT OF PROCESS AND INSTRUMENTATION DIAGRAMS**

- H. 19-3395 AUTHORIZATION TO AWARD A TWO (2) YEAR CONTRACT TO HOOVER PUMPING SYSTEMS, FOR MAINTENANCE OF EXISTING IRRIGATION PUMPS VILLAGE-WIDE**

- I. 19-3427 AUTHORIZATION TO AWARD A TASK ORDER TO PROVIDE ENGINEERING CONSULTING SERVICES FOR THE 50TH STREET RAW WATER WATERMAIN REPLACEMENT PROJECT**

- J. 19-3432 RATIFICATION OF A CHANGE ORDER TO FLORIDA DESIGN DRILLING CORP., FOR THE REHABILITATION OF SURFICIAL AQUIFER WELL 24; AND 2) APPROVAL OF RESOLUTION NO. R2019-74 AMENDING THE UTILITY FUND CAPITAL BUDGET FOR FISCAL YEAR 2019-2020 BY ALLOCATING FUND BALANCE FOR WELLFIELD 24 OVERDRILL RECONSTRUCTION; AND PROVIDING AN EFFECTIVE DATE.**

- K. 19-3368 RESOLUTION NO. R2019-70 (LICENSE AGREEMENT WITH VERIZON WIRELESS)**

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AUTHORIZING THE MAYOR AND CLERK TO EXECUTE THE FIRST AMENDMENT TO THE LICENSE AGREEMENT AND THE AMENDED MEMORANDUM OF THE LICENSE AGREEMENT WITH CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS ALLOWING FOR THE INSTALLATION OF NEW EQUIPMENT, REPLACEMENT AND ABANDONMENT OF THE PREVIOUS EASEMENT AND ENHANCEMENTS TO SECURITY AND ENTRY PROVISIONS CONTAINED IN THE PREVIOUS AGREEMENTS FOR THE

TELECOMMUNICATIONS TOWER LOCATED AT 1100 WELLINGTON TRACE, WELLINGTON, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

- L. 19-3472** RESOLUTION NO. R2019-75 FOR FLORIDA DIVISION OF EMERGENCY MANAGEMENT (FDEM) MITIGATION BUREAU HMGP PROGRAM GRANT FOR THE UTILITY LIFT STATION STANDBY GENERATORS AND RESOLUTION NO. R2019-76 FOR A BUDGET AMENDMENT TO ALLOCATE SAID GRANT RESOLUTION NO. R2019-75 (FLORIDA DIVISION OF EMERGENCY MANAGEMENT (FDEM) MITIGATION BUREAU HMGP PROGRAM)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL TO ENTER INTO AN AGREEMENT WITH THE FLORIDA DIVISION OF EMERGENCY MANAGEMENT (FDEM) MITIGATION BUREAU FOR THE PURPOSE OF RECEIVING A GRANT UNDER PROVISIONS OF THE HAZARD MITIGATION GRANT PROGRAM FOR THE UTILITY LIFT STATION STANDBY GENERATORS PROJECT; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION NO. R2019-76 (FLORIDA DIVISION OF EMERGENCY MANAGEMENT (FDEM) MITIGATION BUREAU HMGP PROGRAM FUNDS)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE FISCAL YEAR 2019-2020 UTILITY CAPITAL FUND BUDGET FOR FLORIDA DIVISION OF EMERGENCY MANAGEMENT (FDEM) MITIGATION BUREAU HMGP PROGRAM GRANT FUNDS AWARDED FOR THE UTILITY LIFT STATION STANDBY GENERATORS PROJECT; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield reiterated the change in item 6C amending the term to end on September 30, 2020. He stated staff recommends approval of the Consent Agenda as presented.

Mr. Schofield indicated no comment cards were received on the agenda. He stated one public comment card was received, which Council will hear after the vote.

A motion was made by Vice Mayor Napoleone, seconded by Councilman Drahos, and unanimously passed (5-0), to approve the Consent Agenda as presented.

7. PUBLIC HEARINGS

- A. 19-3433** ORDINANCE NO. 2019-13 (FY 2019/2020 ANNUAL CAPITAL IMPROVEMENT ELEMENT UPDATE OF WELLINGTON'S COMPREHENSIVE PLAN)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, UPDATING THE WELLINGTON COMPREHENSIVE PLAN BY INCORPORATING THE ANNUAL REVIEW AND REVISIONS TO THE CAPITAL IMPROVEMENTS ELEMENT TO REFLECT THE 2019/2020 THROUGH 2024/2025 FIVE YEAR CAPITAL IMPROVEMENT PLAN FOR LEVEL

OF SERVICE PROJECTS; AND UPDATING THE SCHOOL DISTRICT
OF PALM BEACH COUNTY CAPITAL IMPROVEMENT SCHEDULE;
PROVIDING FOR CONFLICT AND SEVERABILITY; AUTHORIZING
THE MANAGER TO UPDATE THE COMPREHENSIVE PLAN; AND
PROVIDING FOR AN EFFECTIVE DATE.

Mr. Schofield introduced the item. He indicated the Village is statutorily required to include the School District of Palm Beach County's capital improvement element and level of service with portions of the Village's capital plan. He said this does not approve any new funding, change millage rates, or change tax rates. He stated it simply transmits the budget as adopted to the state. He said every county and municipality is required to include their local school district capital element with their plans as well.

Ms. Addie read the ordinance by title.

Mayor Gerwig stated this requirement is pursuant to Section 163.317739(b) of the Florida Statutes.

Councilman McGovern stated Council discussed this extensively yesterday.

Mr. Basehart stated "reporting item" means the Village is required by the state to reflect the current capital improvements program for level of service items every year. He said this includes the School Board's capital improvement program. He stated it just reports that what the Village Council adopted is in the capital improvement program for level of service items.

Mr. Schofield stated this is normally done in September, but the School District's final version was not received until recently. He said staff gave it to Council as quickly as possible.

Mayor Gerwig stated it is the Village's capital improvement plan as well.

Vice Mayor Napoleone stated he is always puzzled why they are forced to do this every year.

Public Hearing

A motion was made by Councilman McGovern, seconded by Vice Mayor Napoleone, and unanimously passed (5-0), to open the Public Hearing.

1. Bruce Tumin, 752 Lake Wellington Drive, Wellington. Mr. Tumin stated one must wonder why two independent governments would be interested in each other's capital improvement schedule. He asked what part of the School District's schedule is relevant to the Village of Wellington. He said while Table CIE 1 lists Village improvements and CIE 2 lists the School District's improvements, the Wellington High School Sports Complex is not listed. He stated the School District's schedule is very revealing with more than \$1 billion in revenue. He said the Village is spending about \$25 million on capital expenditures, not including the Sports Complex, which is about \$10 million to \$12 million, with about a third of its taxes going to the School Board. He stated the School District does not need Village taxes, but Wellington does. He asked that the Village stop subsidizing the School Board.

There being no further public comments, a motion was made by Councilman McGovern, seconded by Councilwoman Siskind, and unanimously passed (5-0), to close the Public Hearing.

Mayor Gerwig stated this is a requirement for the Village to put its capital improvements and the School District's capital improvements in the Village comprehensive plan.

A motion was made by Councilman McGovern, seconded by Councilwoman Siskind, and unanimously passed (5-0), to approve Ordinance No. 2019-13 (FY 2019/2020 Annual Capital Improvement Element Update of Wellington's Comprehensive Plan).

B. 19-3460 ORDINANCE NO. 2020-01 (LAND DEVELOPMENT REGULATIONS REWRITE)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE WELLINGTON LAND DEVELOPMENT REGULATIONS, MORE SPECIFICALLY, A ZONING TEXT AMENDMENT TO REPEAL, REPLACE AND RECODIFY THE LAND DEVELOPMENT REGULATIONS, IN THEIR ENTIRETY AS CONTAINED HEREIN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item. He stated this was the first of two required readings to repeal the current Land Development Regulations (LDR) and adopt the new regulations. He said Council has seen all of them before, except for Articles 6 and 3. He stated for Article 3, staff took out the definitions that do not apply to Wellington. He said for Article 6, no new requirements were added and no requirements were removed.

Mr. Schofield stated over the last couple of years staff has rewritten the LDR in plain, simple English and removed the redundancies, so that people can read the code and know what to do. He said it has been significantly reduced. He stated instead of having several different approval processes that are principally identical, there is now only one. He said this Ordinance also adopts the review manuals, so they are now physically incorporated into the code and published all in one place.

Ms. Cramer stated before Council tonight is Ordinance No. 2020-01 to repeal and replace the LDR in their entirety. She said at this time she would like to enter all of the files for tonight's meeting into the record.

Ms. Cramer mentioned that although the entire LDR is before Council tonight, the primary focus of review is Article 6 and Article 3. She indicated all of the other articles have been through first reading over the past year-and-a-half.

Ms. Cramer stated based on the public meeting schedule, Article 3 will be presented to the Planning, Zoning & Adjustment Board (PZAB) tomorrow evening. She said their recommendation will be included in Council's report before second reading. She stated the PZAB would typically hear this item beforehand, but based on the nature of Article 3 being definitions, staff did not want to postpone the completion of this project for an entire month.

Ms. Cramer stated Article 6 of the LDR establishes the zoning districts and provides the standards and regulations for them.

Ms. Cramer explained the purpose of the LDR rewrite over the past few years has been and remains the same. She said the goal is to streamline the process and provide clear, accurate and easy to understand regulations that are user friendly to all audiences, be it resident,

business owner, developer, industry professionals or even staff who do not work with the code on a daily basis. She stated in order to successfully accomplish this, staff needed to provide standards based on Wellington's unique character and desires, and address the reality that the Village is almost built out, while protecting the health, safety, and welfare of the community as a whole. She said, most importantly, staff wanted to be very clear that, although the size of the LDR has been significantly reduced, they did not change or lose any content that would negatively impact the Village's ability to implement the regulations or the comprehensive plan.

Ms. Cramer stated Article 6 is the largest and one of the most important articles in the LDR. She said not only does it establish the zoning districts and provide regulations for such districts, it is a key element in the implementation of the comprehensive plan. She stated Article 6, as it exists today, is approximately 300 pages and it has been reduced to just under 90 pages. She said there were very limited contextual changes to the article and reduction was simply accomplished by the elimination of duplicate information.

Ms. Cramer stated the proposed Article 6 has ten chapters that cover establishing the zoning districts; providing use regulations and supplementary standards for those uses; providing design standards based on use and location criteria; establishing standards for planned developments, which include PUD, MUPD, MXPd and MCPD; establishing overlay districts, such as the flex zoning district and the equestrian overlay district, which also includes Little Ranches and Rustic Ranches overlays. She indicated Chapter 6 in Article 6 is reserved for the development and redevelopment incentives that staff has been working on. She said they will be brought back through the public hearing process as a zoning text amendment once they are complete.

Ms. Cramer further explained the ability to reduce the article by two-thirds was a direct result of duplicate information. She stated Article 6 contained many duplicate definitions that were provided in Article 3. She said these definitions were eliminated from Article 6 and, where necessary, moved to or expanded on in Article 3.

Ms. Cramer stated the MUPD and MXPd districts section explains that there is no distinction between the two districts. She said originally under the county code MUPD's did not allow residential as a permitted use type, as mixed use, MXPd's, included residential. She stated historically residential has been a permitted use in any of the MUPD's the Village has adopted. She said, based on the criteria for each of the planned developments and the fact that they are generally the same, staff has combined the two districts and will recognize them as MUPD. She stated it is important to point out that by doing this, there are no current entitlements being taken away from the properties that have the MXPd designation and there are no new entitlements being granted to those with an MUPD designation.

Ms. Cramer indicated that staff has also determined that there should not be a burden on the property owner due to this combination, where the Village would require them to come in and request a change on the zoning map. She said it would cost money and time. She stated to resolve this concern, staff decided that whenever the Village initiates a future change to the zoning map, a request to change the designation will be included for the property owner. She said they will notify and meet with the property owner to provide the necessary information, answer any questions, and make sure they understand why this is necessary.

Ms. Cramer stated the standards for planned development districts created years ago provided very detailed regulations that paved the way in which development was designed. She explained that in recent times those standards have become limiting and, in some cases, have

de-incentivized development patterns. She said in other cases they have required the need for variances.

Ms. Cramer said many municipalities have moved away from that prescriptive standard and have encouraged developers to create a plan that sets guidelines and standards on a project-by-project basis. She stated these plans must still illustrate how they comply with the comprehensive plan and the LDR as well as how they protect the health, safety and welfare of the community. She said they must also still meet all of the site development standards, engineering standards, and supplementary regulations of the LDR.

Ms. Cramer stated, in the new LDR, the planned developments are proposed to work in this manner. She said, in addition to all of the documents required currently, the developer will have to submit a project standards manual which will be a part of the review process. She stated if this is adopted by Council, the manual will also be a part of the governing documents for the project.

Mayor Gerwig asked if the unique set of standards for each development would be the conditions of approval and a packet that goes along with the project, instead of having them on one piece of paper.

Mr. Basehart stated the primary benefit is that when it comes to permitting, as they move into the development phase, individual site plans will be reviewed by a succinct set of standards from the code.

Mr. Schofield explained every planned development has standards now, but they are not done in a format that it is clearly identifiable to what they are. He stated if he gave Mr. Basehart the Wellington PUD, he would find page after page of notes that have been modified over four decades. He said this provides for one place where that can be done.

Mr. Schofield further explained the planned development district now allows for the creation of unique standards for each development. He stated Olympia has unique standards that deal with their landscaping, signage, circulation pattern and architecture. He said it is nothing different.

Mayor Gerwig stated it is an easier format that can be made available to everyone. She said it is more finite and it does not change every time there is a master plan or planned unit update.

Mr. Schofield stated the codification makes it easier for the applicant to understand, so they do not have to be a land use lawyer or planner with twenty years of experience to read the code and understand it. He said a resident can pick it up and say it makes sense.

Ms. Cramer stated ironically Olympia was one of the examples, because a standards manual was part of the approval process at the time. She said it is one of several that the Village has, but not every planned development has them. She stated it makes it very easy for staff to go back and look at what those standards are, especially for those who are not in the Planning Department and have to review changes. She said they know where to look and are not questioning whether the code or the standards apply for the development order, as it is very clear cut.

Ms. Cramer stated planned developments are intended to create flexibility in design standards. She said the minor change will further that intent and encourage innovation and creative design

as well as redevelopment. She reiterated that the planned developments will still be required to meet all of the other standards of the LDR.

Ms. Cramer stated, as with all other articles, the reorganization and streamlining method has provided the ability to reduce the size and not lose the important content of the article.

Ms. Cramer stated Article 3 contains definitions and acronyms used throughout the LDR. She said this article was completed last to ensure it captured all of the necessary terms. She stated it is general practice to resort to a commonly known dictionary definition if a definition is not listed in the LDR. She said the first section of Article 3 expresses this and explains that definitions provided are specific to the LDR. She stated this allowed staff to eliminate any general definitions that do not need to be in the LDR. She said all acronyms used throughout the LDR were updated as well.

Ms. Cramer stated seventeen (17) articles are listed on Municode. She said three were repealed years ago, leaving fourteen (14) articles active. She said staff further reduced the LDR to nine (9) total articles, including Article 4, which is a placeholder for a future article should the need arise. She stated Council has heard all of the articles, other than 6 and 3, prior to this evening. She indicated a log of all of the modifications has been provided in Council's Staff Report, with a highlighted version of each article so it is easy to find any of the changes made after first ready. She said the changes were minor in nature and limited to typos or additions intended to clarify a given topic.

Mr. Schofield stated it is important for staff to log all of the changes, because all codes change over time. He said staff will pick up anything that has been missed with glitch corrections. He stated staff will maintain the log from this point forward, so Council will know what has been changed. He said there is no current place to see every change or track what has been done in a concise and clear way. He stated staff wanted people to see what and why a change was made to a requirement in the code. He said staff wants to be able to look at the log in fifteen years and not have to guess why the code was changed.

Councilman McGovern asked if that list of changes, once fully adopted, will be saved and if a new list will be started for the changes to what is the new LDR. Mr. Schofield stated that was correct.

Ms. Cramer stated the LDR manual was also included as part of Council's backup and will be a part of the LDR; however, there were no changes from the last time it was adopted with Article 5. She reiterated that Article 3 will be heard at PZAB tomorrow. She said staff will report back to Council before the second reading of the entire newly proposed LDR, which will be set for January 2020.

Mr. Schofield stated Article 3 was done at the end, because it only contains definitions and the regulatory standards are provided for in the other articles. He said this is sort of like adopting a dictionary.

Ms. Cramer showed Council a copy of the new LDR and a copy of the old LDR, illustrating that the LDR has been reduced from 1,200 pages to 300 pages. Mr. Schofield stated it is important to note all of the criteria and use tables are still in that 300 pages. He said the unnecessary duplication and items that do not affect this community are not in there.

Councilman McGovern stated that when the Village adopted the county's LDR, a lot of things did not apply to this community. Mr. Schofield said there were entire departments, coastal zone regulations, and standards for things that Wellington does not have. Mr. Basehart explained staff eliminated several categories of mining regulations, because they are useless to the Village.

Mayor Gerwig stated if something were to change or if a rail system was interested in coming through Wellington, a future Council could make that work. She said the LDR could be modified, which is a point staff has made along the way. She stated the Village still has the ability to modify it when things change.

Mayor Gerwig stated the underlining shows what is remaining, but the formatting of the underlining is all over the place. Ms. Cramer explained statutory requirement is to show strikethroughs and underlines. She said since it is a complete repeal and replace, everything is underlined because it is technically considered new. She indicated the underlining will go away when the actual document is adopted.

Mayor Gerwig stated the underlined copy will still remain as a record. Mr. Schofield said staff could provide Council with a clean copy.

Mayor Gerwig stated she did not want this document to imply something else or anyone to construe something different, because the underlining is not applied evenly throughout the document. She said she can look through it with Ms. Cramer.

Ms. Cramer stated the Staff Report exhibit is not the Ordinance exhibit, so the Ordinance exhibit is completely underlined. She said Article 6 and Article 3 are underlined, because Council has not seen them before.

Vice Mayor Napoleone commended Mr. Basehart, Ms. Cramer and their team on taking a 1,200 page document and reducing it to 300 pages while making it simple, streamlined and transparent. He said people can now read the LDR and understand the process with certainty. He stated this Council's goal was to make this process as easy as possible for anyone coming in with an application. He said they will now know exactly what the Village wants them to do and how to go about doing it. He stated they will always have little glitches down the road to clean up, but the residents and the people who read and deal with the code are going to appreciate this.

Mr. Basehart stated the PZAB, with the exception of Article 3, has reviewed everything and in all cases has unanimously recommended approval. He said, in doing this project, staff basically retained all of the standards so nothing in this code is inconsistent with the comprehensive plan for the Village.

Mr. Basehart indicated future amendments, like reinvestment incentives, will need to be put into the comprehensive plan before being put into the LDR. He said amendments for the LDR and the comprehensive plan will be done together.

Councilman McGovern commended Mr. Basehart on this point particularly. He said Mr. Basehart has stated throughout this process that the first draft was not going to be perfect, as staff will have to address reinvestment, redevelopment, etc., going forward.

Councilman McGovern stated this was a huge task and potentially a historic task for the Village of Wellington. He said staff has taken what was a county code of more than 1,000 pages and condensed it to 300 pages. He stated most importantly this Council and staff in 2016 said that this could be done better. He said the statement when this Council was elected was that Wellington was a place where it was hard to do business and where things were not friendly, not consistent, not clear, and not understandable. He stated Council did not believe that was so and they were confident that in one term this project could be done. He said tonight is the night that project gets done. He stated when Mr. Basehart, Mr. Schofield, and this Council are judged, this will be, along with the work they are doing at Utilities, their signature achievement. He said they have made something workable, usable and readable, not only for the four lawyers sitting on this dais, but for everyone. He stated this Council said it was possible and staff has made it possible.

Mayor Gerwig stated she did not want to forget the Legal Department, as they looked at all of this and any inconsistencies or definitions will have to be interpreted, which has been a big part of their ongoing issues. Ms. Cohen stated her department has reviewed the documents and has worked with Mr. Basehart and Ms. Cramer. She said it has been a long but good process that has resulted in a good end product. She stated ultimately the interpreter of the code is Mr. Basehart as to most articles. She said when an interpretation is required, they consult and work together on those matters.

Councilwoman Siskind thanked staff, as she knows this project was a huge task and is something that will benefit the residents. She said staff put in a lot of time and should be proud.

Public Hearing

A motion was made by Vice Mayor Napoleone, seconded by Councilman McGovern, and unanimously passed (5-0), to open the Public Hearing.

There being no public comments, a motion was made by Vice Mayor Napoleone, seconded by Councilman Drahos, and unanimously passed (5-0), to close the Public Hearing.

A motion was made by Vice Mayor Napoleone, seconded by Councilman McGovern, and unanimously passed (5-0), to approve Ordinance No. 2020-01 (Land Development Regulations Rewrite).

C. 19-3437 RESOLUTION NO. R2019-69 (EQUESTRIAN VILLAGE SEASONAL PERMIT 2019/2020)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL
APPROVING A SEASONAL PERMIT FOR THE GLOBAL DRESSAGE
COMPLEX, A/K/A EQUESTRIAN VILLAGE, AT 13466 SOUTH SHORE
BOULEVARD FOR AN EQUESTRIAN SHOW USE FROM DECEMBER
11, 2019 TO APRIL 30, 2020; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item. Ms. Addie read the resolution by title.

Ms. Cohen administered the oath to those who wished to speak on this item.

Ex-parte Communications

Vice Mayor Napoleone: Vice Mayor Napoleone disclosed he has had no ex-parte communications.

Councilman Drahos: Councilman Drahos disclosed he has had no ex-parte communications.

Mayor Gerwig: Mayor Gerwig disclosed that she has spoken to Mr. Gerwig about this item.

Councilman McGovern: Councilman McGovern disclosed he has had no ex-parte communications.

Councilwoman Siskind: Councilwoman Siskind disclosed she has had no ex-parte communications.

Ms. Cramer stated the Equestrian Village Seasonal Permit is in front of Council and that it is essentially the same request as last year. She indicated two less dates than last year were requested with no dates in December. She said she believed those two dates were from last year's December schedule.

Ms. Cramer stated Council had asked at Agenda Review yesterday for the expiration date of the legislative extension. She indicated the emergency order for Dorian was issued for sixty days with an expiration date of October 29, 2019. She said that on October 1, 2019, staff provided a letter to the agent acknowledging that their new deadline for the development orders would be April 24, 2020. She stated that on October 25, 2019, the Dorian emergency order was extended for sixty days, which means staff will not know until the end of December if it will be extended again. She said staff will calculate a new date at that time and issue a new letter with a date that is a bit further out than the April 24, 2020 date.

Councilman McGovern asked if the date would be moving from April 24, 2020 to June 24, 2020. Ms. Cramer stated that is essentially correct, unless it is extended again. Vice Mayor Napoleone said June 24, 2020, is the date by which the improvements have to be completed.

Ms. Cramer stated the conditions are the same as last year and the requested reporting exercises will be the same. She said the applicant complied with the reporting exercises last year. She indicated the Village did not have any issues or complaints from any members of the public or the residents during the season. She said staff believes the applicant had a successful season.

Mayor Gerwig stated the Village has plans for improvements as well. She said a portion of it will be provided by the developer and a portion of it will be done by the Village on behalf of the drainage projects for the Village. She asked how staff has decided that distribution.

Mr. Schofield explained the principal improvement is the culvert under South Shore to improve the drainage. He stated the Village wants to add turn lanes on South Shore itself and the developer is required to do the turn lanes on Pierson. He hoped, rather than two separate contracts, they could agree to do it as one project, so the road is under construction at one time. He said the Village will not have two separate contractors working on the roads at the same time.

Mayor Gerwig asked how that negotiation happens. She said the pavement, the added turn lane, and the entry turn lane into the project are required to be covered by the developer. She stated the Village will parse that out and do it all under one contract.

Mr. Schofield explained the developer will provide an engineer's cost estimate for the value of their improvements to the Village and then it will be combined into a single contract. He said the developer will have no responsibility for any of the construction. He stated, if the developer agrees to that and makes that payment, they will have satisfied all of their requirements and will not have to construct the road.

Councilman McGovern asked if the cost estimate that exists is current. Mr. Schofield stated it is current.

Mayor Gerwig asked if the improvement has been bonded by the developer. Mr. Schofield indicated it has not been bonded.

Mayor Gerwig asked if a bond could not be required because of the extensions. Mr. Schofield said a bond was not required originally.

Vice Mayor Napoleone stated if it had been required originally, the Village could have asked for a bond at some point. Mr. Schofield said it would not have changed his recommendation on how he would like to proceed with the work.

Mayor Gerwig stated the Village wants to control the dates as to when the intersection gets torn up. She said it is a big issue for the Village as far as hitting the right time of the season to get this done.

Mayor Gerwig asked if there were any complaints or anything that should be conditioned differently. She said they are not hearing any complaints and the notice is for less show dates. She indicated the applicant will do more things on a different location. She said the Village likes to know the industry is successful and growing, and meeting the needs of the local residents.

Councilman Drahos stated the silver lining is that the Village has these reporting requirements, which allow the Village a certain level of detail in monitoring this property. He said he is glad to hear that there have been no complaints, that the reporting has been successful, and that it has been a successful year for the applicant.

Mr. Michael Sexton with Sexton Engineering introduced himself and indicated he was representing the applicant.

Councilman McGovern stated these requirements date back to 2012. Mr. Sexton said he believed they dated back to 2012 or 2013.

Councilman McGovern stated Mr. Sexton has had to request each of the extensions the applicant has taken advantage of. Mr. Sexton said the applicant has requested them and most have been requested by the attorney representing the applicant.

Ms. Cohen stated that technically it is not a request for an extension. She said it is just a notification under the statute and it is automatically granted.

Councilman McGovern stated if the applicant does not submit a notification, they do not get an extension. Mr. Schofield said the applicant has to give the Village the notification and it is automatic. He stated if they do not give the Village the notification, the applicant does not get the extension. He said it is not discretionary on the Village's part.

Councilman McGovern stated it is a notice of intent to invoke the extension, which has been done since 2012. Mr. Schofield indicated the current iteration of the permit was issued in 2013. He stated it was good for two years, so the extensions have been requested since 2015. He said statewide emergencies have been declared in each of those years. Councilman McGovern stated the applicant has timely noticed for every extension in all of that time.

Councilman McGovern asked if hurricane Dorian impacted Wellington or Mr. Sexton in any way. Mr. Sexton stated he lost a couple of days work. Councilman McGovern asked if it had impacted anything as it applies to this matter. Mr. Sexton stated it did not affect the ability to build the project.

Councilman McGovern asked if the opioid epidemic or hurricane Irma impacted them in any way. Mr. Sexton stated he was not aware of anything.

Councilman McGovern stated that last year the Village also heard that litigation had potentially impacted this project. He said that meant if the litigation went one way, this project would be significantly different. He stated if the applicant prevailed in the litigation, it would remain as it is.

Mr. Sexton stated the litigation was brought up last year, but that has been an issue throughout the review process. Mr. Sexton said he believed that in 2015 when the first extension was put in, there were suits against the approval process.

Councilman McGovern stated he thought that litigation had come to an end. Mr. Sexton said his understanding, from talking to Mr. Rosenbaum over the weekend, is that all of the appeals have been in favor of the Village and his client, and the time to go to the State Supreme Court has passed. He stated Mr. Rosenbaum said they will be talking with the client within the next few weeks to start looking at how to move forward.

Ms. Cohen clarified that the Village was not a party to that lawsuit, as it was between the Jacobs, Solar Sports, Palm Beach Polo and Country Club POA, the Bellissimo entities and others. She stated the Fourth district Court of Appeal affirmed the trial court's judgement in October of this year and the time to appeal, if there was a basis to appeal, to the Supreme Court has expired. She said this is a final decision at this point.

Councilman McGovern stated his point is that they all very much support everything that happens at Equestrian Village each year. He said if they sadly have a hurricane once a year, this process of claiming these extensions may literally never end. He stated he hoped the applicant and Mr. Sexton's team want this to end at some point, so they can be done with this project and not need any special permits.

Mr. Sexton stated his client wants to be able to look at where he stands with all of these approvals, the conditions, and with the property, and make decisions as to how they are going to move forward. He said he knows they do not want to continue with the same posture. He indicated the suits were not started by his client, as they were started by other property owners

in the area. He said his client did not choose to have this go through all of the appellate courts and so forth.

Councilman McGovern stated the good news either way is that they have reached an end to that litigation. Mr. Sexton said he believed that was the case.

Councilman McGovern indicated this is the fifth time he has voted on this Special Use Permit. He stated Mayor Gerwig has voted on it eight or nine times. Mayor Gerwig said it has been since the original approval in 2012.

Councilman McGovern commented on the need to bring this to an end at some point, so there is certainty and completion. He stated this process gives Council the chance to review this project every year, but all projects needing annual review are supposed to pass. He said he thought they, including Mr. Sexton, would like that to happen. He stated he is hopeful that they will not need to have this discussion yet again a year from now. He said the residents would like to see that entire intersection redone and made more effective.

Mayor Gerwig noted that the drainage issue also needs to be addressed.

Mayor Gerwig stated that the state law does not require any nexus between the extensions and the project. She said the League of Cities has taken up that issue in the last year. She stated she pushed for a nexus in her committee and got very little traction, because the extensions only affect a few cities, but West Palm did have an eleven year extension.

Councilman McGovern stated he is confident that will continue to be the Village's position if and when this issue is revisited at the legislative level. Mayor Gerwig said that it is out of their hands.

Councilman McGovern stated he was not saying that the applicant, Mr. Sexton, the Legal Department, or anyone did not have absolutely every right to submit the notifications to invoke the usage of those extensions. He said he is saying, on behalf of the residents, that they would like this to end. He stated there is a difference between what they are allowed and entitled to do and what they should do. He said it is time to improve that intersection, the Village portion, the drainage, and the applicant's portion.

Mr. Sexton stated he will pass that on to his client. He said he will let them know how well the Wellington staff and Council have worked with them through this process. He indicated he and Mr. Schofield over the past year have talked about how the project can be built with both the additional improvements by the Village and what was previously a condition. He said his client wants to move forward and come to a resolution on this.

Councilman McGovern asked if there was still a requirement for the applicant to come back and have a discussion with the Village after the season in April, May or June of next year. Ms. Cramer stated the applicant would have to report any changes. She said everything is the same as last year.

Councilman McGovern stated he was talking about a report to the Council that tells them the anticipated plan going forward. Mr. Sexton indicated a condition in the Special Use Permit states his client is to provide a report on the litigation by the end of March and that they would come to Council in April to have a discussion with them. Ms. Cramer indicated the dates are March 22, 2020 and April 14, 2020.

Councilman McGovern stated now it will not be about the litigation. Mr. Sexton said they were hoping that was not the case. Ms. Cohen indicated the litigation has concluded.

Ms. Cohen clarified that the Legal Department did not issue any notices. She said they were the recipients.

Ms. Cramer stated staff can change that condition before it is issued to the state. She said instead of "pending litigation" it could say "the status of the legislative extensions and the pending construction." Councilman McGovern added "the plan for use of that facility."

Mayor Gerwig agreed condition #30 should be reworded. She suggested stopping at "status report." Mr. Schofield said that should do it.

Mayor Gerwig stated tentatively April 14, 2020 is the date of their Council Meeting, but the applicant needs to have the improvements done by June 24, 2020. Mr. Sexton said that was the date Ms. Cramer mentioned. He indicated her letter stated April 24, 2020. Ms. Cramer stated, with this new extension, it would be essentially June 24, 2020. She said if there is another extension, it would be two more months.

Mayor Gerwig stated it has to be completed by June 24, 2020. She said if they are just talking about it on April 14, 2020, it is not going to be completed by June 24, 2020. She stated this is going to be a team effort at this point, getting the improvements that are to be paid by the developer and the improvements that Acme has an interest in doing. She said it is going to take some cooperation, but Council definitely wants the April 14, 2020, date in the condition. Council agreed.

Public Hearing

A motion was made by Vice Mayor Napoleone, seconded by Councilman Drahos, and unanimously passed (5-0), to open the Public Hearing.

There being no public comments, a motion was made by Vice Mayor Napoleone, seconded by Councilman Drahos, and unanimously passed (5-0), to close the Public Hearing.

Mr. Schofield stated he would like to move the entirety of the application, the review file and all comments into the record. Mayor Gerwig said she would make that part of the record.

Mayor Gerwig stated that last year when this came up, Council received some feedback indicating residents wanted this intersection improved. She said she did not want them to have a false impression that event traffic is going to be solved after the Village does these improvements. She stated it is basically improving the approach from the east to South Shore. She said those are the improvements the developer is responsible for. She stated it is not going to offer anyone a huge relief from Equestrian Walk or those neighborhoods that have one way in and one way out. She said she did not want to give a false idea that they are going to be able to solve that along the way. She stated she understands that it is not going to be eased.

Councilman McGovern stated out of all of the improvements that remain, the South Shore improvements and the Pierson improvements would certainly improve it some. Mayor Gerwig said she did not want anyone to think that there is a panacea in this plan for event traffic, because it is going to be difficult no matter what the Village does.

Ms. Cramer indicated that on the applicant's formal approval, where they would not need a special use permit or a seasonal permit anymore, the Village does have monitoring conditions and the applicant is still required to have additional PBSO for traffic control with any event over 500 spectators. She said that does not go away when the road improvements are completed. Mr. Sexton stated those were conditions of the commercial equestrian arena approval.

A motion was made by Councilwoman Siskind, seconded by Councilman McGovern, and unanimously passed (5-0) to approve Resolution No. R2019-69 (Equestrian Village Seasonal Equestrian Permit 2019/2020) as amended.

8. REGULAR AGENDA

There were no Regular Agenda items.

9. PUBLIC FORUM

Mr. Schofield indicated no public comment cards were received.

10. ATTORNEY'S REPORT

MS. COHEN: Ms. Cohen presented the following report:

- She indicated the Village is awaiting decisions on some cases. She said she will apprise Council of the decisions once they are received.

11. MANAGER'S REPORT

MR. SCHOFIELD: Mr. Schofield presented the following report:

- The Next Regular Council Meeting will be held on Monday, January 13, 2020 at 7:00 p.m. in the Council Chambers. He indicated the meeting was moved because of a conflict with Palm Beach County Days in Tallahassee on January 14, 2020 and January 15, 2020.
- Since the Council Meeting was changed to Monday, January 13, 2020, the Agenda Review Meeting will be held on Thursday, January 9, 2020 at 4:00 p.m. in Conference Rooms 1E/1F.
- Village Offices will be closed on Tuesday, December 24, 2019, and Wednesday, December 25, 2019, in observance of the Christmas holiday; and closed on Tuesday, December 31, 2019, and Wednesday, January 1, 2020, in observance of the New Year's holiday.
- He wished everyone Happy Holidays.

12. COUNCIL REPORTS

COUNCILWOMAN SISKIND: Councilwoman Siskind presented the following report:

- She wished everyone Happy Holidays.
- She commended the Central Palm Beach County Chamber of Commerce on the Holiday Parade. She said it was a lovely parade and the residents were out in full force.

COUNCILMAN MCGOVERN: Councilman McGovern presented the following report:

- He asked for an update regarding the CVS building. Mr. Schofield stated the demolition has been completed and some changes are being made to the structural plan. He expected that the permit will be reissued for principally the same building in the same location with modifications. He said the builder has a different engineer, so he is expecting the inspection process to go much smoother. He stated the builder expects to get back to the point where they were at in about eight weeks. He thought the roof would be going back up again in early February. He said CVS wants to get the building done as quickly as possible.
- He asked Mr. Schofield to update the residents on the Menorah Lighting. Mr. Schofield stated the Menorah Lighting is scheduled to begin at 4:00 PM on December 22, 2019. He said the actual lighting is at 5:33 PM, which is sundown, and it is scheduled to be over by 6:00 PM. He stated he will make sure that Council has this information as well as their invitations.

Councilman McGovern asked that another AT be sent out with this information and that folks are notified. Mr. Schofield stated the social media posts will start going out.

Mayor Gerwig stated last year a couple of local synagogues worked together to produce a fun event. Mr. Schofield said the same thing is happening this year.

- He commended the Central Palm Beach County Chamber of Commerce as well as the lead sponsors, Wellington Regional Medical Center and Schumacher Automotive Group, for the wonderful Wellington Holiday Parade. He thanked all of the participants and the residents. He said the parade is a community hallmark, where all of the western communities get a chance to come together in Wellington and take part. He congratulated them and thanked them for the event. He stated it was spectacular and Council really enjoyed it.
- He wished everyone a Happy Holiday, Happy Hanukah, Merry Christmas and Happy Kwanza. He said he looked forward to seeing everyone in the new year.

COUNCILMAN DRAHOS: Councilman Drahos presented the following report:

- He stated this time of year is busy for a lot of people and organizations as well as for this Council. He said Council does a great job attending as many events as possible. He stated he is proud of that accomplishment and of the devotion they each have for their community. He said it is an honor to go to these events and be a part of them as a Councilperson.
- He commended the Central Palm Beach County Chamber of Commerce on the Holiday Parade. He said it was an awesome parade, as it is every year.
- He stated Council attended the Senior Luncheon today. He commended the staff for their efficiency at this event. He said it was well attended.
- He wished everyone Happy Holidays.

VICE MAYOR NAPOLEONE: Vice Mayor Napoleone presented the following report:

- He credited the Central Palm Beach County Chamber of Commerce, the organizers and the sponsors for the fantastic Holiday Parade. He said it just seems to get bigger and

better with more floats, participants, and spectators every year.

- He reminded everyone that the Wellington Holiday Toy Drive goes through Tuesday. He stated the drop-off locations are listed on the website.
- He wished everyone a Happy Holiday, Merry Christmas, Happy Hanukkah, and Happy New Year.

MAYOR GERWIG: Mayor Gerwig presented the following report:

- Mayor Gerwig stated Friday night, December 13, 2019, is Winterfest at the Palm Beach International Equestrian Center. She said she is going to read the book "The Night Before Christmas" at 6:00 PM. She hoped to see everyone there. She noted that unwrapped toys are being collected for the Little Smiles organization.
- Mayor Gerwig stated she attended the Lou Groza awards last night. She said Palm Beach is the only county in the nation that offers Lou Groza awards to high schoolers. She stated it is sponsored through the Palm Beach County Sports Commission. She thanked Wellington Community High School (WCHS) for inviting her to join them. She congratulated Morgan Suarez, a WCHS student, on winning the Lou Groza Placekicker of the Year Award for all of Palm Beach County. She stated WCHS has had a nomination for the last eight years. She commended the WCHS football players for staying for the entire event. She said it was a fun evening.
- Mayor Gerwig thanked staff for the fabulous Senior Luncheon. She said there was a great turnout. She stated the residents talk about how great the Wellington staff is.

Ms. Cohen stated the Wellington Historical Society is having its second Annual New Year's Eve Bash on December 31, 2019, at the Wellington National Golf Club. She stated the tickets are available online at their website: www.wellingtonhistoricalsociety.org or on their Facebook page. She encouraged those interested to attend. She said they are still looking for sponsors.

Mayor Gerwig recommended staying local or close to home, staying sober when driving or using Uber, or staying off the roads on New Year's Eve.

13. ADJOURNMENT

There being no further business to come before the Village Council, the meeting was adjourned at approximately 8:13 PM.

Approved:

Anne Gerwig, Mayor

Chevelle D. Addie, Village Clerk